No Child Left Behind, Ohio and the Hispanic/Latino Population

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The No Child Left Behind (NCLB) legislation was an expansive piece of legislation that not only increased the role of the federal government in education, but also drastically shifted the focus of educational policy to a world of extensive testing and standards. The central focus of NCLB is a push to realize broad gains in student achievement and to designate a system of accountability for schools, districts, and states. One of the motivations is the tremendous disparity in students' performances. For example, nine year olds growing up in low-income communities today are three grade levels behind their peers in high-income communities. Half of them won't graduate from high school. That disparity led me to investigate educational policy and how it affects at risk students. From there I targeted my thesis within limits of personal interest and relevance. For policy, I chose to evaluate the major new education policy – No Child Left Behind. In terms of narrowing its scope, I tailored it to my own strengths and experiences in addition to where I saw gaps in current study – the effect of No Child Left Behind reforms on the Hispanic/Latino population within Ohio.

I. Introduction and Overview

No Child Left Behind, or PL 107-110 was passed in 2001. Main aspects of the law include annual testing; adequate levels of yearly gains in academic progress; publication of annual state "report cards"; changes in teacher qualifications; a competitive grant program for Reading First within early childhood education; and alterations in Title I funding. The legislation also discusses the need for states to be held accountable to the same standards. In order to minimize the differences in funding, testing, and student populations, there needs to be a larger force monitoring them.

NCLB legislation also attempts to facilitate the implementation of its reforms through the analysis of demographic subgroups. These subgroups serve to more easily meet the diverse needs of students who are struggling. Subgroups include: Asian & Pacific Islander, Black, Hispanic, American Indian, White, Free/Reduced lunch, IEP (special education), LEP (Limited English proficiency) and Other/non-response. These subgroups are diagnostic tools – they serve as direct examples that illustrate how different groups of students are doing.

NCLB legislation seems to be beneficial at first glance. The concept of improving student achievement and progress, and subsequently contributing to closing the achievement gap is empirically sound – no one wants to leave children behind. On further evaluation, this policy is largely seen as politically motivated, and undermining the public school system. Similarly, while evaluating progress on the basis of demographic subgroups creates accountability and transparency in the effort to close achievement gaps, it also has the potential to punish schools with diverse student populations. Another area of controversy is found in the funding of the law. Title I funding is intended to address the increases in spending for programs which address NCLB components. Opponents argue that this funding is nowhere near what is required to make these changes, and that NCLB is an unfunded mandate.

These new requirements and controversies affect each subgroup of students differently. From high achievers to the most at risk, each student's success is influenced by this legislation. One subgroup that is uniquely affected is the Limited English Proficiency students. They have different needs in assessing progress, in teachers, and even in programming. Additionally, these LEP students often face additional problems that other at-risk students face: minority status, poverty, environmental challenges, behavioral and developmental disabilities, etc. It is through the unique challenges that these students face that the impact of this legislation on them is clear.

As the deadline for proficiency with NCLB approaches, the focus of addressing its requirements should be placed where the challenges are greatest. I will argue that both nationally and within Ohio, this falls on our most at risk students –the statistically lower-income, LEP Hispanic population. Through an evaluation of the effects of current policy and programs for this population, I will assess the potential for success for the state of Ohio and its Latino students. Thus, the main focus of this thesis is to understand the effects of No Child Left Behind on the Latino population in Ohio. In the next section, I will examine the NCLB legislation more in depth. This will include the basis of NCLB, a discussion of its precedent, its implementation in Ohio, Ohio's Report Card, specific requirements of NCLB, federal testing, funding, and the timeline of NCLB.

Then I will discuss the presence of Latinos in Ohio and its relevance to the thesis. This will provide a framework for the following evaluation of the challenges of NCLB as it relates to the Latino population specifically. This discussion will focus on the achievement gap, limited English proficiency status, bilingual education, language acquisition, race/ethnicity and civil rights, and politics.

The issues raised in the first half of the thesis will be further evaluated through an examination of what information is available regarding these issues. This evaluation will focus on the National Survey of Latinos, the Dropout Epidemic, the Early Childhood Longitudinal Study, and the rise in national attention on educational success.

Finally, I will evaluate what needs to happen to deal with the challenges that have been addressed in the thesis. Primarily, this will incorporate the actions of other states in treating their Latino students, as Ohio's Latino population is relatively low (yet growing steadily). Secondly, this will look to alternative programming. While the current system has its problems, it is

possible that it is the least-worst alternative. The exploration of alternatives will address that possibility.

No Child Left Behind: the Legislation Itself

1. PROVISIONS OF NCLB: Basics of the law

The consequences of NCLB are widespread. How was it designed? What are its provisions, and what do they entail? No Child Left Behind is a complex piece of legislation with many provisions. There are several central objectives of the Act which help in understanding its motivations and implications. Among its provisions, NCLB:

-Requires states to implement achievement tests in reading, math and science

> The progress of all students will be measured annually in reading and math in grades 3 through 8 and at least once during high school. By the end of the 2007-2008 school year, testing will also be conducted in science once during grades 3-5, 6-9, and 10-12.

-Creates standards for defining "highly qualified" teachers and teacher's aides and requirements to meet those standards

-Requires measurement of progress toward achieving educational goals and a system of consequences for schools or districts showing insufficient progress

-Provides federal funds to states for the purpose of paying costs required by NCLB. (No Child Left Behind)

NCLB is broken into titles that outline specific goals of the legislation. Title I deals with improving the academic achievement of the disadvantaged. Title II focuses on preparing, training, and recruiting highly qualified teachers. Much of this thesis will examine the effects of

Title III, which evaluates language instruction for limited English proficient and immigrant students. Titles IV, V and VI deal with 21st century schools, promoting parent choice, and accountability respectively. While there are more titles that deal with Native American, homeless, and higher education, this thesis will focus mainly on the first VI titles.

2. NCLB Precedent

One of the basic inspirations for NCLB was the Elementary and Secondary Education Act of 1965. Some consider NCLB the re-institution of this act. A large part of the focus and core of both of these pieces of legislation is the involvement and the examination of more than just the schools and the government in the fate of students and education (No Child Left Behind). Rather than relying on curriculum as the sole influence on a child's education, it also considers other factors in students' success: family life, school social interactions, language and early childhood experiences.

3. NCLB basics within its implementation in Ohio

Ohio addressed the mandates of NCLB when it passed HR3. As far as funding and costs go, it has its fair share of issues. Due to conflict, one of the requirements of H.R. 3 was that a report be published analyzing the costs of implementation of NCLB in Ohio. Ohio legislation has several foci on accountability for abiding to NCLB requirements. The greatest focus is on consequences if adequate yearly progress is not reached, rather than the actual meeting of said progress. School Improvement, Public School Choice (PSC) and Supplemental Educational Services are state-enforced consequences if progress is not met. Often, forced changes and additional programs are regarded as penalties to not meeting standards of progress rather than positive and constructive treatment. The idea of these programs as penalties or sanctions not only comes from those upon whom the policies are imposed, but rather, is in the legislation

itself. Oftentimes a deficiency in funding does not allow for tutor salaries, hiring higher qualified teachers, bilingual efforts or other programs to improve student's successes. Therefore, demanding greater achievement with equal or less resources is counterproductive (Driscoll).

One of the strengths in Ohio's NCLB program is the manner in which it defines academic standards. There are three different subcategories of standards: content, performance, and operation. Content based standards deal with the curriculum – the material that is taught and tested. Performance standards are the most widely understood standards of NCLB – proficiency in testing and academic progress. Operational standards are those standards which are intended to improve the performance standards – through highly qualified teachers and aides, or how the tests are administered. In this way, knowledge, statements of achievement and conditions of learning are all addressed in the evaluation of school success. Similarly, curriculums in Ohio have to address substance, purpose, and practice, thus establishing a standards-based education (Academic Content Standards).

Clear and more comprehensive legislation enables a more unified policy. As requirements and expectations become more detailed and specific, the clearer objectives become. With a defined purpose, meeting those goals becomes easier. Uniformity, both within and among states, also serves to combat many of the problems of inequality that face the nation. Unfortunately, despite a standards based policy, inequalities still thrive. The ability to focus on content, implementation, and strategic reasoning behind curriculum and education is beneficial. It allows for a more comprehensive evaluation of the achievement gap. This outlining of content, purpose, and implementation standards facilitates the understanding of where differences, and subsequently inequalities exist. It also assists in the understanding of the successes. The differences in their policies are clearer with this sort of rubric.

Policies like the above have assisted Ohio in beginning the necessary work towards reaching federal goals and standards. The Ohio Ninth-Grade Proficiency Tests are being phased out and replaced with the new Ohio Graduation Tests (OGT), while the earlier 3rd-8th grade testing are being upheld through the already established proficiency tests. Different schools are implementing literacy programs, facilitating parental choice options, and informing teachers about curriculum changes. As does any state, Ohio is increasingly examining a vast and diverse population of students in order to best address their needs.

Ohio faces some challenges that other smaller, less diverse states do not have to address. With school populations ranging from rural Appalachia, the urban Cleveland, Cincinnati and Columbus, to upper-middle class suburbs, with everywhere in between, it becomes increasingly important to watch the allocation of resources, and to be creative in addressing the needs of this diverse population. The most basic purpose of NCLB was to do just that – leave no child behind. It is the complexity of the individuality of children that makes this task so difficult – especially in a bureaucratically designed process.

Even within social strata, Ohio school districts face incredibly different challenges in educating their students. Even when one limits the focus to the most at risk children, many difficulties arise. This allocation of resources neglects many gifted and talented students, as well as those who do well enough to pass without additional help. Helping the most at risk students would be unobjectionable, but in fact, often resources are diverted to the students who are on the verge of passing – the "bubble kids." This phenomenon is known as educational triage – where the most at risk students are ignored in favor of those students who are more likely to pass.

4. Ohio Report Card

Part of NCLB's requirements is an annual publication of a state's progress, in the form of a report card. This report card gives statistics on topics ranging from proficiency on state tests, to proficiency on the national testing, and even graduation and dropout rates. As of 2002, the high school graduation rate in Ohio was 79%. The college readiness rate in Ohio was 31%. A college readiness rate is one which "includes students who earn a regular diploma, complete a minimum of academic coursework, and pass the NAEP reading with a basic level score or better" (Greene 9). NAEP is the National Assessment for Education Progress. It is the national check on the varied state tests. The college enrollment rate (high school directly to college) was 56%. As a state, on college statistics, Ohio receives a C. 3 years later, in 2006, Ohio still received a C. In examining 2003 data, the percentage of students scoring at or above proficient is interesting. With reading, Ohio 4th graders had 34% proficiency in the NAEP, 66% on the state test, with a rank of 17th overall. Math was similar, with 36% NAEP, 59% statewide, and ranked 13th. Ohio's 8th graders were in an interesting place. 34% of them were still proficient in NAEP reading whereas 87% of them were proficient in the state tests. However, they were now ranked 42nd. Math was not any better: 30% NAEP, 71% statewide, and ranked 38th. Arguments might be made that the difference between 8th graders and 4th graders is the influence of NCLB – testing and early intervention clearly are working (Local Facts). The counterargument to that is that now the NCLB has been around for more time, this gap or difference still exists. Children who have participated in this new educational system are still experiencing a decline in success and capabilities over time. Had the gap been the case for the first few years the first argument would be plausible. The gap still exists. Something else is causing problems. Another possible

argument is that decreases are due to students' increases in apathy or the influence of more environmental agents – family lifestyles, bullies, etc.

This is not to say that NCLB has been entirely unsuccessful. In a No Child Left Behind Publication entitled "NCLB: Making a Difference in Ohio" the Ohio Report Card was cited with these advances:

> Between 2002 and 2005 (latest data available):
>
> –Fourth-grade reading proficiency increased by 21 percentage points
>
> –Fourth-grade mathematics proficiency increased by six percentage points
>
> –The black-white achievement gap in fourth-grade reading narrowed by eight percentage points
>
> –The black-white achievement gap in fourth-grade mathematics narrowed by 10 percentage points
>
> –The Hispanic-white achievement gap in fourth-grade reading narrowed by four percentage points
>
> –The Hispanic-white achievement gap in fourth-grade mathematics narrowed by four percentage points (NCLB: Making a Difference in Ohio).

It is important to note that they do not note the discrepancies between fourth and eighth grade achievement that is occurring. This publication was used to inform parents about the Ohio Report Card, and Ohio's progress. It focused on the success of the 4th graders, rather than discuss where Ohio was lacking. The state report card also does not acknowledge how these gaps are narrowed. It is possible that white achievement could be decreasing, which despite decreasing the gap, does not contribute to positive gains in education. In other publications, such as the report on the achievement gap in Ohio from the Legislative Office on Education

Oversight, gains across the board from 1998-2004 are acknowledged. It is emphasized that all groups are experiencing progress. However, it is also made clear that not only do white students have a higher starting point, but that they also are experiencing progress at greater rates than minority students are. This study will be examined further later.

5. Highly Qualified Teacher (HQT)

One of the issues to reaching the HQT requirement is the problem that Ohio faces in attracting teachers and maintaining a highly qualified work force in general. There are several arguments in what is needed in order to both attract and maintain highly qualified teachers. In Ohio, new teachers receive anywhere from $20,000 to $35,942 with a bachelors degree and no experience. Of that distribution, districts with higher socioeconomic status, districts with a higher local report card rating, and those in Northeastern geographic regions all paid their teachers better than those of lower status, or who live in more urban or rural areas. Appalachian or Southeast Ohio districts were the poorest paid. There are cases where states purposefully switched teachers and schools – putting the most qualified teachers in the poorest schools and vice versa (Salaries). Achievement switched as well. Teachers matter. Since Ohio already faces a large exodus of an educated workforce, in order to be at a competitive edge in attracting teachers, our starting salaries should be comparably greater than in other places. However, in comparing Ohio with Pennsylvania, Illinois, Indiana, Wisconsin and Michigan (the arguably most comparable states), the average starting salary was the worst. Many school districts in Ohio feel that they are competing for teachers with other school districts, not with other states. This may be indicative of the large disparity of schools in Ohio. This also could be indicative of the need for an adjustment of the mentality of school districts in the manner in which to attract teachers.

One such argument is that hiring teachers in general, specifically in struggling school districts, requires a marketplace method of payment: paying more where demand is higher. Just as higher education teachers, corporations, and other employments have differentiated salaries, so should public school teachers. “The idea of marketplace pay for teachers is based on a well-known and common-sense business practice that rewards individuals whose skills are in the greatest demand” (Bainbridge, Burkholder). If schools were able to use this system, they would be able to reward, and hence attract teachers who have certification in critical areas, or who are willing to work in struggling districts. Opponents argue that it is unfair to imply that some teachers are worth more than others. There is a general consensus on the rewards of education on salary – teachers with more or higher degrees merit higher pay. Opponents have stronger objections given equal levels of education. There are intangible characteristics that make someone a good teacher. It is rewarding those intangibles that opponents feel is unjust. Arguably, they are more likely to object if they do not possess those qualities. Ultimately, in a capitalist society, districts and states need to decide how they want to attract and compensate highly qualified teachers as opposed to just teachers. The value of teachers is already being stratified by this federal mandate – all that need happen is the ability to compensate based on the existing stratifications, regardless of how fair or unfair they might be.

Having a requirement for highly qualified teachers begs the question as to what it means to be a highly qualified teacher. Most basically, a highly qualified teacher has at least a bachelor’s degree, has full state licensure, and has demonstrated competency in each subject taught. Additionally, No Child Left Behind has a clause that mandates that LEP, reduced-income and minority students should not be taught by underqualified teachers at greater rate than

more advantaged students. This is not the case now. In the last year the Ohio Department of Education has begun drafting a plan to address these discrepancies.

The timeline for even just the highly qualified teacher requirement is an interesting one. As of October 2005, states were informed that they were in danger of not reaching HQT requirements. In March 2006 states submitted their data for the 2004-2005 school year. From March to May, the Department of Education assessed the data. In May states were notified of their status. By the end of September, states were to have submitted revisions to their plans to meet HQT progress. Ultimately, this bureaucratic process enables the appearance of progress while ignoring the fact that no states actually met the highly qualified teacher requirement, and only nine states had acceptable plans to reach said requirement. Reaching complete proficiency at this point is already behind schedule, and as the situation stands, not a single state will have a highly qualified teacher in every core class this school year, as the original NCLB legislation mandated. Many of the difficulties that states have meeting this requirement are particularly salient to the state of Ohio – teachers in small and rural areas often teach many or multiple subjects simply due to a lack of funding/teachers in general, let alone highly qualified ones. Low salary-high stress positions such as teaching do not always yield high selectivity, especially in fields of math, science, and special education. Urban schools experience different problems. Enrollment mandates large numbers within a teaching force. Teachers do not have to be qualified in a wide scale of subjects, since due to their numbers they are able to focus on subjects. In this case, individual teachers do not need more qualifications; rather, the districts need to hire a more diverse group of teachers – teachers with bilingual or special education abilities. More teachers would allow for smaller classrooms as well. It is the selection of teachers that is important for both rural and urban schools – they just face different problems.

Currently, 94.4 percent of core course teachers in Ohio meet federal standards as highly qualified teachers. Ohio does suffer the problem where there are fewer HQT in high poverty schools. Compared to the 5.6 percent statewide, in high poverty elementary schools 9.3% of teachers do not meet federal standards, a number that increases to 11.8% in high poverty secondary schools (2005-2006 Annual Report on Educational Progress in Ohio).

6. Adequate Yearly Progress (AYP)

AYP specifically examines the achievement gap between different student groups – whether and how large that gap is. Whereas initial NCLB legislation read 100% proficiency by 2013-2014, the most recent state report card emphasizes reading and mathematics. Already the language and subsequently the interpretation and the intent of the legislation are changing. Rather than emphasize the 100% proficiency again, gains in reading and mathematics are now the focal point. Standards are already being lowered, despite those standards not being changed within the legislation. Social studies, science, and general education requirements are losing focus to basic literacy and mathematics. It also changes a required end to "with the intent that all students will reach proficient levels." Intent is far different than ends (2005-2006 Annual Report on Educational Progress in Ohio).

Proponents of NCLB argue that several of the opponents of NCLB over exaggerate the difficulties for at risk students. For example, districts are given an allowance of non-participants for the disabled students – 1%, the national average (Ohio's Standards 2). However, any school district that has more than that amount of disabled students making up its population must get those students to pass, regardless of their IEP status, and the aid they should be getting through assistance for disabled students. Even well funded schools are facing this issue. For the first year Centerville City Schools are forced to deal with testing kids who would not be taking these

tests if not for the 1% limit. The reason that Centerville is dealing with this is a double-edged sword really. They stand to lose funding and have an increased amount of costs due to failure of adequate progress because of these students, yet they attract these students because they have the resources and services to address the needs of these students. Limits like these are punishing the very districts that are following the spirit of NCLB.

There have been similar problematic policies as far as assessment with minority groups. Those policies allow for districts to not count minority groups that have less than 45 members. If these groups are not accountable with progress, they are often ignored. There is no punishment for not addressing their needs, while there is punishment elsewhere. It is educational triage without consequences for those not treated. Again this policy change addresses accountability rather than actual policy, education, or assistance in teaching changes, and is simply about funding games (Wides-Munoz, Toosi, et.al 1). It allows for a manipulation of the appearance of progress without actual improvement.

One of the main issues with NCLB is that through its process of AYP, growth needs to occur in all categories of students. A school can be considered failing if, despite drastic improvements with free/reduced school lunch children, the East-Asian students now are not passing at a proficient enough percentage. One can see how this would be a dilemma for most schools. While some children can achieve successful passage through ensuring basic needs (free/reduced school lunch), others require much more catch up work. Additionally, if one qualifies the 100% proficiency rate with discounts: 1% of the student body allowed to be omitted from testing with the justification of disabilities, time periods of acceptable adjustment to English, minorities who have less than 45 members in the student body population being omitted from accountability as well, then the 100% proficiency label becomes untrue. This

introduces the question as to whether Less Children Left Behind is an acceptable solution in education policy.

Ohio has a long way to go. In 2005-2006 417 out of 610 school districts had failed the AYP requirement for one or more student groups; 76 of which failed for 3 or more student groups (2005-2006 Annual Report on School Progress).

Another issue with the federal NCLB act is the connection between its funding and the provision of its consequences. Rather than channel more resources to schools that fail adequate yearly progress, these failing schools are punished with less funding. Additionally, more costly restrictions are imposed upon these schools that clearly are already struggling. If a school does not make AYP for two consecutive years in the same subject, it is identified as in need of improvement. Schools must identify the specific areas that need improvement and work with parents, teachers, and outside experts to develop a two-year plan to raise student achievement. Parents need to be notified and given the option to transfer their children to a higher performing school in the district. If a school fails to make AYP for another consecutive year, then tutoring and other supplemental educational services must be made available to low-income students at that school. With the passage of years, more changes are required, ranging from new curriculums and staff replacements, to longer school days and becoming charter schools. Additionally, schools can enter into a contract with a private company to operate the school.

7. Testing

The testing is established on a state-by-state basis. In this sense, so are requirements and progress/accountability. States determine their own standards and qualifications. This establishes a precedent of different education experiences and requirements. This has the potential for inequality. NCLB proposed a check on these differences with the National

Assessment of Education Progress (NAEP), but did not provide a system for addressing the disparities between NAEP and state tests.

The Ohio Graduation Test tests math, reading, writing, social studies and science. The law requiring Ohio Graduation Tests clearly states that parents, classroom teachers, other school personnel and administrators must be involved in developing the tests. There is information from the Ohio Department of Education stating that there is a Content Advisory Committee, to ensure fairness. It is made up of parents, educators and others. There is a Fairness Sensitivity Review Committee, also comprised of parents, educators and others (Academic Content Standards). These committees are said to represent a broad base of diverse backgrounds, organizations, and districts. At the same time, it seems unlikely that the most at risk students are being fairly represented. If their parents do not speak English, or are in a low-income position where they can scarcely afford to feed and clothe their child, they definitely do not have the means to serve on said committees. Additionally, there is no discussion as to outside or federal accountability to this test.

Other states determine their own testing systems and accountabilities. To be fair, there are national tests that function in an accountable manner – to ensure that students' success levels on national tests are relatively correlated with the state tests. Unlike state tests, which are used to help rate public schools and measure achievement of all students in certain grades, NAEP (National Assessment of Educational Progress) tests selected pools of students in key subject areas to produce data on long-term educational trends. Often these long term trends are not strongly correlated with state results – resulting in both strongly over- and under-estimated results. While critics argue that NAEP estimates are too high, oftentimes those criticisms come from forces championing 100% proficiency by 2014 (this timeline to be discussed later). Studies

have replicated NAEP findings. Bruce Fuller, a professor of education and public policy at University of California Berkeley found that states regularly inflate student achievement. A similar finding was found by Education Next (Mathews). These discrepancies highlight state political problems that will likely occur regardless of state or federal oversight of testing. Are politicians better off with more lax definitions which yield the impression of higher performing students, or with difficult standards which impose strong goals and incentives for change? It depends on the amount of leeway for catch-up voters allow. Most likely it would require strong executive leadership and guidance.

In order to fully understand the implications of testing standards in a student's academic career, graduation requirements should be examined as well. Currently there are both testing and curriculum requirements connected for a student to earn an Ohio diploma. The curriculum requires the following classes: English language arts (4 units), Health (1/2 unit), Mathematics (3 units), Physical education (1/2 unit), Science (3 units, including 1 biological science and 1 physical science), Social studies (3 units, including ½ unit American history and ½ unit American government) and Electives (6 units, including 1 unit or 2 half units in Business/Technology, Fine Arts, or Foreign language). This flexibility in electives gives some leeway in terms of remedial classes on mathematics or reading. At the same time, it emphasizes the opportunity costs of those actions. There is an alternative to passing all 5 standard tests and still being able to earn a diploma:

> A student may meet the testing requirements for passing all five Ohio Graduation Tests if he/she meets ALL of the following criteria:
>
> • Passes 4 of the five tests and has missed passing the 5th test by no more than 10 points;

> • Has a 97 % attendance rate, excluding any excused absences, through all four years of high school and must not have had an expulsion in high school;
>
> • Has at least a grade point average of 2.5 out of 4.0 in the courses of the subject area not yet passed;
>
> • Has completed the high school curriculum requirement;
>
> • Has participated in any intervention programs offered by the school and must have had a 97 % attendance rate in any programs offered outside the normal school day; and
>
> • Has letters recommending graduation from the high school principal and from each high school teacher in the subject area not yet passed.
>
> (What it takes to earn an Ohio Diploma.)

This alternative method is encouraging. However, this method seems to only address those students who simply had a bad day at testing. If a student has such positive attendance, testing and reading abilities in the other fields then the alternative method would allow one bad test. However, the likelihood that that same student is attending intervention programs throughout the year is unlikely. It seems as though two different student profiles are being addressed in one method, which ultimately addresses and aids few students.

8. Title 1

Title 1 is a federal grant allocation program designed to assist disadvantaged children, which include the LEP students. One would hope that through Title I and Title III assistance, effective education policy would be possible. No Child Left Behind seeks to improve basic programs, focus on reading skill grants, educating migratory children, focusing on

prevention/intervention programs, comparative school reform, Advanced Placement programs, dropout provisions, and evaluations of general education programs. Title I then focuses on ensuring the equality of opportunity for those programs through standards, accountability, and most importantly, an exact distribution of resources.

Title I grants work through a formula distribution. Title I has four allocation formulas based on census figures. There is a basic grants formula which funds all districts based on counts of poor students. There are concentration grants which allocate additional monies to districts where poor children make up at least 15%, or 6,500 members of enrollment. There are also weighted counts that are now based on district wealth. These are known as targeted assistance grants and education finance incentive grants (Fagan and Kober 5).

9. Funding and funding complications

One of the central issues in NCLB is funding. The importance of actual dollars spent in schools is an emotional and often anecdotally supported issue. There as many stories that support the need for more money invested in schools as there are those of small, poorly funded schools that are extremely successful. Regardless of opinions on the amount of the budget education gets, there is a consensus that funding is indeed, an important aspect about education and school success.

This is especially true in Ohio, and in fact, can be considered a large reason why it is so difficult for Ohio as a state to achieve improvements. One of the central difficulties about this state is its diversity – the educational gap so to speak. Ohio is not limited to crammed struggling urban schools and successful suburban upper-class schools, but rather faces most every subcategory of school that there is. A large part of this issue is found in the manner in which Ohio as a state has chosen to fund education – through property taxes.

This method of funding has been found unconstitutional four times by the Ohio Supreme Court. The court's first ruling was DeRolph v. Ohio. This case focused on the meaning of the provision in the Ohio Constitution that authorizes the General Assembly to "make such provision by taxation, or otherwise" to "secure a thorough and efficient system of common schools throughout the state." This was first filed in 1991. In 1997 the state supreme court ruled the system unconstitutional. Without sufficient change, the 2000 case DeRolph II found Ohio's system of funding still unconstitutional. Mediation was attempted in 2001, due to an additional ruling in DeRolph III in 2001. Therefore, the system was once again ruled unconstitutional in 2002. Finally in 2003, a compliance conference was issued (Hunter). Despite this compliance conference, problems still exist today. The court found unconstitutional the state's system of funding public schools with local property taxes. Ohio used property taxes as the primary means of providing finances for the state's public schools, and the state supreme court found that unconstitutional. "According to the court, property tax funding leads to disparities in per-pupil spending, which in turn cause disparities in educational outcomes"(Clowes 1). 51 percent of spending on Ohio public schools still comes from local property taxes, down only slightly from almost 52 percent in 1997." (Clowes 1) Despite apparent and consistent arguments for reform, opponents choose to ignore the clear requests of the court, instead arguing that this is a misappropriated demonstration of power by the courts.

Due to conflict, one of the requirements of H.R. 3 was that a report be published analyzing the costs of implementation of NCLB in Ohio. This report was the Driscoll and Fleeter Analysis. Key points of this analysis by Driscoll and Fleeter were as follows:

-The cost of implementing NCLB in Ohio is the cost of moving Ohio's goal of 75% of students/school district demonstrating proficiency to the NCLB goal of 100%.

-The Driscoll and Fleeter analysis assumes that current local, state, and federal investments will continue to support existing initiatives. They assume that increases in productivity will be attained through additional expenditures. Here, productivity refers to the actual implementation of testing – creating tests, grading them, etc. instead of the performance and proficiency of the students.

-The analysis includes two types of costs: administrative and intervention. Driscoll and Fleeter concluded that the annualized costs of NCLB would be $1491.1 million. This can be broken down into administrative/teacher/paraprofessional costs which equal $105.4 million, and intervention costs which equal $1385.7 million. Administrative costs cover test administration, test development, teacher training, professional development, consequence costs, and adherence to Title II. Intervention details costs that treat intervention from kindergarten to third grade, and maintenance from 4th grade to 12th grade. Despite promises from federal government to pay for required program and testing assistance, the actual amount of increase in federal dollars to the state of Ohio was just $44 million dollars.

Not only are there issues with already granted funds, but there are serious cuts and cost increases that are detrimental to the effective enactment of NCLB in Ohio. In 2004, Ohio lost over $57.7 million in funding for Title I – the primary program for disadvantaged children. Ohio was one of 9 states to lose funds. The rationale for this is that the 2002 census update found fewer poor children in Ohio. Out of those 9 states, only New Mexico also had fewer poor children (Title I Funds). Many programs proposed to address NCLB have been enacted with the notion that they would be federally funded. Despite the promise of these monies in the planning of the act, this is not always the case, as one can see when the budget is examined. This is

another one of the main objections to both the timeline and the requirements of NCLB. The ideas are good, and implementation would be not a huge issue if funding was full and complete.

The discrepancies as far as funding of NCLB are great. Rod Paige, during his reign as Secretary of Education, argued that this legislation was fully funded. However, the National School Board Association, the House Committee on Education and the Workforce, and independent Congressmen have argued that the funding is lacking by anywhere from 13.6 to 17.1 billion dollars (including Title I funds). (Fagan and Kober 9). Fagan and Kober, consultants for the Center on Educational Policy, go on to argue that the data is far more supportive of the latter claims than that of the administration.

A large issue with the funding of NCLB, and more specifically the appropriations of the funding, is introduced in the area of consequences/punishment. One punishment for failed progress is diverting funds from specific schools or programs and then allocating that money to the district for new programs. This seems like a valid solution in some, but not all instances. In some cases, taking funds away from struggling yet established organizations is much more costly than investing in fixing them. Additionally, since the entire budget of a school system is not this funding, and many more resources are needed to create alternatives such as charter schools, the effectiveness of this solution seems questionable.

10. Timeline

Many feel that the issues with NCLB are not the objectives – after all, who would be opposed to our children being more educated. The issues arise with the timeline associated with NCLB. The act mandates that 100% proficiency be reached by the 2013-2014. This means that the nation's fifth graders are all expected to pass the tests and graduate. Currently, no less than 95% of all students and of each designated subgroup of students must be assessed.

Inequality of opportunity and in standardized testing is not a new phenomenon. Neither is the difficulty in meeting federal mandates in an efficient and effective manner. Indeed if one is to attempt to challenge, critique, and correct the current system, one has to look at future population trends of our country and our state. That means the Hispanic/Latino population.

The Latino Population in Ohio

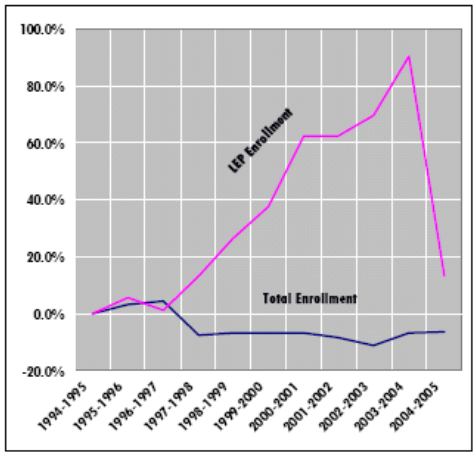
Despite a comparatively small Hispanic/Latino population currently in the state, immigration trends across the country show us that the Hispanic/Latino influence nationwide is not only here to stay, but is growing at a high rate. Through both immigration and birth rates, the population is the fastest growing one in America, and currently is the largest minority. Once again, this minority group faces specific and unique challenges.

The first area of concern in regards to the Hispanic/Latino population is its relation to Limited English Proficiency students. Ohio's LEP students are often from families that live in the United States and often speak languages other than English at home. For example, there are many students of Puerto Rican, Mexican-American, and families of other Latino backgrounds in which Spanish is the home language. Additionally, a significant number of Spanish-speaking children are members of migrant agricultural working families. Over 1,300 migrant children were enrolled in summer educational programs in Ohio in 1999 (Ohio Department of Education - Profile). This poses additional problems – frequent instability and shifts from school to school. This number illustrates not only the numbers of this population but also the high percentage of these students utilizing additional summer aid. If 1,300 migrant children are enrolled in summer programs, imagine the number of students that are present throughout the year.

In Ohio, over 26,500 limited English proficient (LEP) students were enrolled in the state's elementary and secondary public schools during the 2003-2004 school year. The term limited English proficient refers to those students whose native or home language is other than English, and whose current limitations in the ability to understand, speak, read or write in English inhibits their effective participation in a school's educational program. The number of LEP students reported in Ohio for school year 2003-2004 represents an increase of 33% over the number reported three years previously and an increase of 110% over the number reported ten years ago. Ohio's LEP students represent over 100 different native/home languages. The top thirteen language groups are the following: Spanish, Somali, Arabic, German (mostly Amish), Ukrainian, Japanese, Lao, Vietnamese, Korean, Russian, Serbo-Croatian, Cantonese/Chinese, Albanian (Ohio Department of Education - Profile).

The U.S. Department of Education published a survey of LEP students which evaluated the rate of LEP growth in Ohio from 1994-2005. Growth of LEP enrollment peaked in the 2003-2004 school year, with 23,302 LEP students enrolled out of 1,838,068 students enrolled. This represented a 90% growth from 1994. In the 2004-2005 school year, there were only 13,876 students enrolled in LEP out of 1,847,116 students. With comparable overall enrollment where those ten thousand students went is a worthwhile question. While it is possible that they all became proficient in English, the likelihood that 40% of LEP students became proficient in one year, and were not replaced by new learners is surprising. The numbers are suspect. (US

Department of Education - Survey of States' Limited English Proficient Students)



	Total Enrollment	Growth from 94-95	LEP Enrollment	Growth from 94-95
1994-1995	1,973,114	0.0%	12,243	0.0%
1995-1996	2,035,184	3.1%	12,925	5.6%
1996-1997	2,059,571	4.4%	12,391	1.2%
1997-1998	1,822,517	-7.6%	13,867	13.3%
1998-1999	1,842,018	-6.6%	15,497	26.6%
1999-2000	1,836,554	-6.9%	16,841	37.6%
2000-2001	1,835,049	-7.0%	19,868	62.3%
2001-2002	1,808,000	-8.4%	19,868	62.3%
2002-2003	1,755,364	-11.0%	20,778	69.7%
2003-2004	1,838,068	-6.8%	23,302	90.3%
2004-2005	1,847,116	-6.4%	13,876	13.3%

Many of Ohio's LEP students are children of families who have recently immigrated to the United States from other countries. According to a survey conducted by the Ohio Department of Education in April 2004, Ohio school districts reported serving a total of over 11,400 immigrant students who have been enrolled in U.S. schools less than three years. This is an issue that is close to home to many Hispanic families. Not only do Latinos insist that schools should teach English to their children, they also place value on maintaining their native language/culture (National Survey of Latinos: Education). This is controversial because low achievement of Latinos is often attributed solely to language gaps.

Despite programs such as these, the issue of catching these students up in language proficiency is a daunting task – one that requires more time than the few years allocated by NCLB legislation. Again it is not the nature of the law that is the issue, rather the way that it is carried out. It takes roughly 4-11 years to achieve equal proficiency in a language (Ohio Department of Education: Guidelines). Even ignoring that amount of time, it is clear that the 2 years allotted to these students is simply not enough – and is not fair to them or to their districts.

The issue of catching-up to the progress of other students begs the question – what else needs to be overcome in order to catch-up. It is unlikely that these students simply need learn English, and then find success on the test. In order to solve the problems or ease the challenges of NCLB as it relates to the Latino population, we must first identify what those challenges are.

Challenges of NCLB as it Relates to the Latino Population

1. The Achievement Gap

"According to Department of Education data, only 44 percent of Latino fourth graders read at a basic level or better, with just 15 percent reading at a proficient or advanced level. In contrast, 75 percent of white fourth graders read at a basic level or better, with 41 percent proficient or advanced. [. . .] the result is clear: With weak basic skills, just 13 percent of Latinos go on to college. And schools in low-income areas are usually the least capable of turning these statistics around" (Mulrine 1).

2. LEP and Title III

A large part of the influence of LEP students on districts' success or failure in NCLB testing is the actual determination of what makes a student limited English proficiency. LEP, as defined by the federal government is: "the student's level of English proficiency is not adequate enough to participate effectively in mainstream classroom settings in which English is the only language of instruction" (Ohio Department of Education: Guidelines 2). This testing also purports to determine the level of support needed by these students, to inform instructional decisions related to their studies, to evaluate their language process, to help evaluate the effectiveness of a district's LEP program, and most relevant in this instance, to determine if a student who has been enrolled in US schools for less than 3 full school years is eligible for

additional accommodations when taking statewide assessments. These assessments come in several parts. One is a home language survey, provided in English. It would be difficult for a parent/guardian to fill out a survey in a language that they don't speak. The conflict here is horribly apparent. Although regulations claim that literature should be made available when possible in the native language of parents, this is often neither feasible nor enforced.

The aspect of NCLB that covers LEP and Immigrant students is Title III. The purpose of Title III is to meet the needs of LEP students, develop high quality language instruction programs, build agencies' capacities, promote parental involvement, streamline programs, hold state and local educational agencies accountable, and provide flexibility for agencies (Ohio Department of Education Title III). There are 7 clearly defined purposes within Title III legislation that expand upon that summary – all claiming to attempt to reach educational equity with native English speakers. In a country that is built on equity revolutions: first with African-Americans and later with women, it is unsurprising that we would find ourselves in another revolution striving to achieve social equity – that of Hispanics/Latinos. It is through programs such as NCLB that we as a country are forced to examine many similar issues that we've already tackled from gendered and racial perspectives, but now from an ethnic or a language based perspective.

There have been some recent policy changes, which help school districts ease the penalties as far as assessing LEP students, yet in their nature undermine the outlined purpose of NCLB. The first new policy under NCLB for LEP students allows states to choose whether to assess only English-language proficiency during a student's first year in a US school or to assess both proficiency and reading competency. The English-language proficiency test would count towards participation criteria, but not against the AYP total. This is beneficial for schools in

allowing them to avoid AYP penalties. However, the problem is that this allows schools to avoid AYP penalties. It undermines the goals of NCLB without positive policy changes. The second policy allows schools and districts to count students as part of the LEP subgroup in AYP for two years after they become English proficient, instead of re-categorizing them. This is a good policy because it allows for a true demonstration of progress. At the point where NCLB accountability for LEP students is now, students have to demonstrate proficiency in reading far before they are on an equal footing with other students for whom English is their native language (Robson 5). The LEP subgroup is going to be a particularly fast growing subgroup and without this compensation it would be impossible for schools to demonstrate progress.

At the same time, one has to be cautious in evaluating the effects of policy changes in terms of maintaining the integrity and the intent of the original legislation. Small, often politically motivated alterations in policy often yield slowly ineffective or counterproductive change. Usually these changes are trumpeted in a manner which emphasizes slight reforms, making wide scale reform or reevaluation of the policy politically unsellable. For example, many recent changes simply redefine and reduce the number of schools identified for improvement, and do little in terms of actual school improvement. When it comes time for actual policy-based change, it will be based on the precedent of new definitions yielding inconsistent results (Lee).

3. The Difficulties of Bilingual Education

Schools are trying to address these issues in varied ways. From programs as advanced as entirely bilingual education to English as a second language class to the most basic media based assistance slow progress is being made. Bilingual education is controversial in some respects. Some argue that maintaining even minimal use of a home language enforces behavioral

problems and is a dangerous practice in maintaining a safe educational environment. Others argue that home language usage undermines the process of learning English. They argue that a home language can be a crutch, while going cold turkey into English can force a quicker understanding and handle of the language. "Larger public discourses on U.S. Latinos, [. . .] render their learning as pathological and their use of Spanish as problematic" (Baquedano-López 122). Despite English-only arguments, both sides agree at the challenge and difficulty of bilingual and second-language educations. It is difficult to staff capable teachers. It is also a stressful burden for the students. If anything is clear in the catch-up efforts of low achieving and at risk students – it is that it will be a difficult process. There needs to be a strong support system of teachers, administrators, lawmakers, and family.

Others argue that bilingual education is not only necessary, but is a human and civil right:

> Article 29 of the Convention on the Rights of a Child adopted by the General Assembly of the United Nations in 1989 (and ratified by all nations except the United States and Somalia) states that "the education of the child should be directed to ... the development of respect for the child's parents, his or her own cultural identity, language and values." Article 30 states that "a child belonging to an [ethnic, religious, or linguistic minority] should not be denied the right ... to use his or her own language." In 1998 the Linguistic Society of America also affirmed this basic human right. It passed a resolution supporting the right of all residents of the United States "to have their children educated in a manner that affirmatively acknowledges their native language abilities as well as ensures their acquisition of English." (Bilingual Education is a Human and Civil Right)

In recent years, legislation on English-only or bilingual education on a state basis has been relatively limited. Utah and Iowa both have passed English Language Reaffirmation acts; Hawaii had introduced one which was vetoed. Bilingual education has seen more legislative action. The Education Commission of the States has no evidence of state bilingual education policies or activities for the state of Ohio. States such as California that currently have larger LEP populations have seen more activity. (Education Commission of the States: Bilingual). Recent Ohio policy focuses more on technology, religious and civic education, and charter schools in addition to NCLB policies.

Another difficulty with the basic solution of bilingual testing is the assumption of proficiency in the native language. Often these students have been transferred before they can reach reading/writing proficiency in their native language, thus making language acquisition and proficiency in both their native and the new language difficult. These students simply need more time to catch-up – and neither they nor their school districts ought to be punished for that. These language skills do not only affect reading skills, but rather, application skills for math, science and other topical studies as well. Trying to learn math in English if you speak Spanish is incredibly difficult – despite a focus on numbers. Try to understand the concept of subtracting negative numbers, or the complexities of multiplying irrational fractions without using language to describe the procedures. In my personal experience tutoring LEP students, the greatest difficulties the students had were in mathematics – not in the subject of reading/English language arts. They could read the word problems without comprehending the basic math questions behind them. Even with obvious questions, basic mathematical skills were lacking. Additionally, instead of ensuring that these students knew their times tables and how to do simple divisions, the students were handed calculators and asked to do more complex homework.

Even with their teachers' acknowledging the students' struggles (the reason that the students had a tutor in the first place), we were asked to help the students get through their homework – not focus on addressing basic skills.

Bilingual Education also serves to teach children how to learn. One of the most difficult populations to convince that English proficiency is central to their child's educational success was in fact the Latino population. Getting that population to believe that language ought to be the focus is a difficult step to take. Both whites and African-Americans find that English proficiency is the main reason for poor Latino achievement. While African Americans are also willing to cite poor performance in schools, teachers, and parents as well, White responses were often unwilling to cite multiple reasons for poor achievement (National Survey for Latinos: Education). The issues of labeling kids too quickly for behavioral/developmental problems, teachers not communicating well with students due to cultural conflicts, and even English proficiency are arguably connected. More than half of Latinos feel that their children are being too often diagnosed with behavioral or learning disabilities. There are two sides to this issue – one attributing the causal variable to Latino families/culture, and the other, where the fault is on the district.

In regard to this kind of diagnosis, it could simply be a question of lack of information on the part of the Latino families and their cultures. Coming from places with different standards of psychology and medical practices, they probably do not see the level of either diagnoses or medication of children that we see here. Regardless of whether or not these children are correctly being diagnosed, it could be a phenomenon that does not happen in their native cultures. Therefore, while the amount of diagnosis could be comparable to levels of children

here, the Latino families' unfamiliarity with this type of diagnosis could falsely attribute it to cultural/ethnic targeting.

On the other hand, districts and schools do have a high level of not only responsibility, but controversy in terms of not only medication/diagnosis of students, but also in placing minority students in remedial classes. There is a higher representation of minorities in remedial education, and a much lower representation of minorities in gifted education. Additionally, the levels at which schools diagnose behavioral problems is currently one of controversy. Perhaps behavioral problems such as Attention Deficit Disorder are being attributed to LEP students without thinking of other causal actors. While this is less feasible with ADHD, one could see ADD being attributed to the students who are not paying attention. However, if humans learn in trained manners, i.e. if we, as we go through the educational system, learn not only information, but also how to learn and interact, then students with LEP lose out not only in terms of factual knowledge, but also in learning how to learn, how to pay attention. If in the beginning stages of learning one does not speak the language in which they are being taught, then there are few incentives to pay attention. If one is being spoken at, rather than spoken to, then who can begrudge that person a certain level of inattentiveness? Therefore, there is no learned pattern established in these students once they do become proficient at the language. They already have become accustomed to checking out of the classroom, mentally. This is the very concept behind bilingual education. While it does not assist strongly in the process of proficiency in English, it does help in the educational process.

Ultimately, when attempts are being made in other spheres of the educational progress, trust is established between the administration/district and parents/family. Once an effort is

made to address the needs of a child beyond a label of special education, progress with a stronger and more understanding effort from the parents is possible.

4. Difficulties in Language Acquisition

Evidence of difficulties in language acquisition can be seen through current achievement of immigrants. The Program for International Student Assessment is a test that measures literacy of 15 year olds and how well they apply skills to the real world. It is given to students in many industrialized countries, thus it is a good comparative resource. Findings for achievement of U.S. immigrants showed that U.S. immigrants lag in schools compared with native speakers, but aren't as behind as they are in other countries. The qualifications of our international rankings in terms of our immigrant literacy aside, there are clear discrepancies between first generation immigrants, second-generation immigrants, and native speakers. First generation immigrants are on average, a year behind in math. Second-generation immigrants are about a half-year behind. (U.S. Immigrants Lag Behind in School)

There are many difficulties that surpass even individual language issues. Even once the students have passed the time limit to become accustomed to English, depending on their proficiency level they are allowed a certain level of assistance in taking the test. Schools are supposed to supply translators or CDs to translate the test for the students – so that they can take it at their most competent level. However, funds often to not stretch enough to hire enough translators during the administration and for post-administrative grading. Additionally, testing materials in all needed languages are not always provided. Even in an ideal situation where all materials are provided, basic dialects can be overlooked, creating confusion. Spanish from Spain, Ecuador, and Puerto Rico are very different. It would be like trying to have low

proficiency English-speaking students taking a test with British or Australian English vocabulary and syntax.

5. The Race/Ethnic Issue and the Harvard Civil Rights Project

"NCLB has certainly focused attention on the performance of poor, minority, and low-performing students. Certainly, such attention is beneficial, but it can also have negative consequences. According to a report by the Harvard Civil Rights Project, NCLB accountability mandates have a disparate impact on large urban districts with sizable low-income and minority populations. These districts are often tempted to adopt quick fixes in an attempt to avoid sanctions" (Questions 17). These quick fixes are often utilized in a manner which disrupts the possibility of long term reform in favor of short term test preparation.

One concrete and invaluable example of focus on these low-income and minority students is the Harvard Civil Rights Project. As the go-to study for most NCLB experts, it shows how NCLB is being changed through negotiations between the federal government and states. This report not only examines and proposes changes, but it is the best analysis of several trends and phenomena in educational policy. For example, states have negotiated some changes in how they are held accountable under NCLB. Some of these changes reduce the number of districts identified for improvement. Unfortunately, these changes primarily benefit those districts serving more white than minority students. "Professor Gary Orfield, director of the Civil Rights Project, believes that these glaring inconsistencies produce cynicism about the demands of the law and undermine the aspects of the law that have the greatest potential for reducing educational inequalities" (Lee). The most recent study by the Civil Rights Project was able to compare pre-NCLB conditions to post-NCLB results on achievement and gaps. Emphasizing a comparison

between NAEP and state progress reports, CRP reported no significant change on achievement and achievement rates in reading and math respectively. If trends continue where they are, 24% - 34% of students nationwide will meet proficiency levels in 2014, and 29%-64% in math. "NCLB's reliance on state assessment as the basis of school accountability is misleading since state-administered tests tend to significantly inflate proficiency levels and proficiency gains as well as deflate racial and social achievement gaps in the states. The higher the stakes of state assessments, the greater the discrepancies between NAEP and state assessment results. These discrepancies were particularly large for poor, Black and Hispanic students" (Lee). The accusations are very real and threatening to state and federal proponents of the legislation.

Despite having an expert status that is widely accepted, the Harvard Civil Rights Project and the consequences of its findings are not always well received. Members of the Acton Institute have argued that several of their studies not only reflect irrelevant or incorrect findings, but that they focus on the wrong issues and solutions (Bradley 1). If schools are segregated because they reflect the nature of a surrounding community, then why is it that the blame is being placed upon the schools and not communities. The complaint is that, if the CRP recognizes that community schools reflect the segregation that exists in housing throughout metropolitan areas, that this assumption should have governed the analysis of the data. However, the study on the failure of government-sponsored desegregation programs should focus on just that, the programs. Looking at community levels is fitting to the extent where it is addressed, as a contributing factor. Having it as the focus of the effects of the study would not address the proposed focus of the study.

Opponents to this project also address concerns with the concept of assumed benefits of integrated education. Calling it offensive to minorities, Anthony Bradley at the Acton institute

argues that the claims that exposure to whites increases academic performance is ridiculous and unfounded. Similarly so, whites should be offended that they need African Americans or Latinos to be socialized. Bradley also echoes concerns of reverse discrimination: how white students feel reverse discrimination through racial quotas: that Latinos would never be turned away from schools because the quota had been met, and yet white students have experienced this reverse discrimination many times.

Regardless of the focus of that particular study, the Harvard Civil Rights Project serves an important role as an outside analysis and policing force to check the progress of NCLB. As an academic project it seeks to renew the civil rights movement by becoming a preeminent source of intellectual capital. It is in the nature of intelligent pursuit of addressing these racial conflicts within society that the Harvard Civil Rights Project bridges the needs of students and the community. Unfortunately, it seems up to projects like this one to rectify the vast and complex issue of race relations in both communities and education, rather than through the government. Article 26 in the Universal Declaration of Human Rights states: "Everyone has a right to education. Education shall be free, at least in the elementary stages. Elementary education shall be compulsory. Technical and vocational education shall be made generally available and higher education shall be equally accessible to all on the basis of merit" (Privatization of Education: An Ongoing Debate). International declarations provide justification for efforts such as those of the Civil Rights Project.

6. Politics

6A. Precedent

If federal and state governments and agencies are willing to provide translators at voting sites and voting information in Spanish, then the precedent should apply to other aspects of life.

Why is it that civic participation should be valued more than education? In fact, when the argument against increased voter participation is made, often it is based on the lack of education of potential voters.

In terms of politically motivated increases in bilingual policies, both parties have a certain level of incentive to do so – especially in terms of the Latino population. Generally speaking, the strongly Christian and subsequently Catholic Latinos are socially conservative. With strong family values many Latinos emotionally associate with the Republican Party. As the same time, in terms of fiscal policy, in addition to racial and ethnic policies, Latinos feel tied to the Democratic Party. Beyond that, one can see partisan trends change as the investigation of native-country backgrounds furthers. Some argue that it was the Cuban vote in Florida that won President Bush the election in 2000 (Ramos). In Ohio specifically, there are ethnic parallels that coincide with state political lines. Cleveland and Columbus have considerably stronger showings of Puerto Ricans and other South Americans than does Cincinnati. The Cincinnati area has stronger Mexican populations (Mora). These urban areas see a strong influence of new Latino populations and population growth. Additionally, the more rural and agrarian areas see an influx of migrant populations. These farming areas need to be funded to address the specific needs of migratory students.

An important area of consideration is the level of attention that bilingual and LEP policy gets in relation to other issues. As xenophobia and border fears increase, an administration runs greater potential risk by reaching out to bilingual policies. While this outreach might potentially alienate several, it is not right to jeopardize the futures of schools and children based on other policy arenas.

6B. Current Ohio Policy

The sentiments of the current administration are relatively clear. From both a budgetary perspective and through political jargon the emphasizing of citizenship is clear. There is a definite conflict in administration policy. President Bush has strongly supported temporary work programs that pattern Bracero policies from the World War II era. He has claimed that this program would improve upon and differentiate itself from Bracero specifically in terms of the area of human rights: "This new system will be more compassionate. Decent, hard-working people will now be protected by labor laws, with the right to change jobs, earn fair wages, and enjoy the same working conditions that the law requires for American workers" (President Bush, Temporary Worker Program). One such area that would have to be accounted for is the education of the children of these transplanted laborers. At the same time, the Republican majority is proposing a criminalization of undocumented immigrants – a closing of borders and a re-evaluation of current agricultural and low-income labor systems. This more strongly correlates with the current attitude towards undocumented students and their opportunities. Opponents are often the same.

Ultimately, all levels of administration of NCLB legislation need to acknowledge and to address the level of personal responsibility that the students have in success. This is not meant in the slightest to diminish the responsibility of the government and the schools. At the same time, it is the duty of both these parties to communicate the importance and value of education and the available opportunities to their students.

The state and the current state administration acknowledge that students require more challenges in high school. In his State of the State address in 2006, Governor Taft proposed the following in regards to the state's high school education:

> "Here's the plan: First, require all students to take rigorous course work that will prepare them for the workforce or college – this means four years of math, including Algebra II; three years of science, including biology, chemistry and physics; four years of English; three years of social studies; and at least two years of a foreign language. To give families and schools time to prepare, the core curriculum should apply to students in the graduating class of 2011. Second, make completing a rigorous core curriculum a condition of admission to Ohio's state-funded four-year colleges and universities. Third, move all remedial education to Ohio's two-year campuses, where costs are lower. Fourth, require all students to take a college and work-ready assessment in their junior year to help them know if they're on the right course to be prepared for life after high school. Finally, add a measure to the School Report Card to indicate how well high schools are preparing students for college and work." (Taft)

There are two questions that all of these issues resoundingly emphasize: So what?, and What do we do? The implications of NCLB are not entirely different in the state of Ohio than they are nationwide. Regardless of Ohio's standing nationwide, or its specific testing success, as a state we still suffer from the consequences of a poor educational system.

Taft's Ohio Core initiative is a good start. At the same time, it is unlikely that this education initiative, proposed to be enacted in 2011, will be effective enough to cause 100% proficiency in 3 years. Clearly if NCLB is to be achieved, programs need to be enacted now. It also does not address how these proposals will aid the students who cannot reach proficiency at these math/science initiatives, among the other proposals. How is an LEP or a remedial student supposed to excel, or be motivated to attend challenging universities if they know that they will be forced to attend 2 year institutions for remedial work? These initiatives are empty proposals

for change – they sound good but as of yet have no policy proposals in how to enact them. Given the already disproportionately high presence of Hispanics in 2 year programs, and then their subsequent low number of transfers to 4 year institutions, it seems counterintuitive in the effort of achieving higher education for Hispanic/Latino students to require them to attend 2 year institutions for remedial work.

Another main concern with Taft's Ohio Core initiative resides in the fact that it is a state initiative, set to begin in 2011. With changes in leadership in Ohio and nationwide, the longevity of this initiative is questionable. In order to meet the requirements of NCLB as a state long term bipartisan programs are essential. While there may not be large debate in terms of the basic curriculum, this issue will become more prevalent as policy is defined.

Recent developments in grants and funding are coming under political fire. The administration has shifted into a focus on incentives instead of punishments financially. Federal bonuses are now a new incentive for teachers who raise student test scores. The first awarded of these bonuses have gone to four of Ohio's most challenged districts. Teacher pay in those four districts is already higher than the state average. Education Secretary Spellings proposes that this bonuses will help counter "the dirty little secret in American Education, that the most experienced teachers often teach in the least challenging classrooms" (New Federal Bonuses). Spellings continued, saying that the 2006 election, two weeks away at the time of the announcement, had nothing to bear on the timing of the grants. In a challenging swing state with both the governor's and a senate seat up in competitive races, Democratic candidates are not as sure about the innocuous timing. Senate elect Sherrod Brown called the announcement, not the program "cynical politics at its worst." While the program has been approved by Congress for some time, the National Education Association used this opportunity to reiterate that these

incentive based grants, with illogical distribution of funds are a poor way of addressing underfunded programs created by NCLB. Ohio state-based and district board members were more positive towards the grants. When your district is the one receiving the grants, it seems like a good idea. One reiterated argument is that due to an incentive based plan, this program does not punish low performing districts but rather simply rewarding those who do make gains. In the zero-sum world of the political budget, it is merely a game of rhetoric to argue that not-winning does not equal losing. The funds allocated to education are limited. By providing these grants an opportunity cost for other programs arises.

What Do We Actually Know?

1. National Survey of Latinos

There are reasons that support the inclusion and the emphasis on the Hispanic/Latino population as a relevant focus for Ohio and the nation in NCLB policy. Not only is the Hispanic population a rapidly growing one, it is a young one. "School and college-aged young people (ages 5-24) make up 37% of the Hispanic population compared with 27% of the non-Hispanic population. Over the next 25 years, this segment of the Latino population is projected to increase by 82%" (National Survey of Latinos: Education 1). Actors trying to implement NCLB policy would also do well to focus on this aspect of the population. Despite receiving what is arguably the most deficient treatment in regards to corrective and compensatory actions in improving education, Latinos are greatly supportive of not only the current situations in schools, but also of acting as willing participants in NCLB policies. This is a largely un-tapped resource of optimism towards enacting NCLB – that, given some attention, could be a largely rewarding political force. The Pew Hispanic Center, in cooperation with the Kaiser Family Foundation, did a

National Survey of Latinos with a focus on Educational policy. On top of illustrating support for standardized testing and American schools, this study also shows that the Hispanic/Latino population is unaware of many of the complexities to NCLB, if indeed they are aware of NCLB's existence. In 2003, at the time of the study, 87% of Latinos were unaware that such reforms even existed – and it made no difference whether or not survey participants had children in school or not (National Survey of Latinos: Education 15). While white families are largely aware of alternatives to failing schools: i.e. private school vouchers, charter schools, moving their children to alternative schools, home schooling; Hispanic/Latinos and African Americans ether are unaware of these key policy issues, or in some cases, do not support allowing children to attend different schools.

There are also issues that need to be addressed that face LEP families, and subsequently Hispanic families. In terms of general education policy, the impact of parents and guardians on a child's educational experience is being emphasized. The level of involvement and interest that a child receives at home correlates with their success in the classroom. It not only has parents serve as another source of accountability (outside of state tests) but in enables children to have a learning-friendly environment at home. Having established family "work times" or study times foster not only logistical aids in outside of the classroom learning, but an inherent value for learning.

Despite both an understanding and an embracing of parental and familiar involvement in a child's education, in limited English settings it is often incredibly difficult for a parent to be a fully accountable actor in their child's education. Oftentimes the child is forced to be the interpreter between parent/teacher. The potential of what the child could cover up is huge.

This is not to say that the parent should be excused from a role. It just is harder for these parents to be as involved.

2. The Dropout Epidemic – Student Achievement and Responsibility

Once one gets beyond policy issues, the question of enacting those policies must be addressed. Latinos feel that there are many reasons that Latino students are not doing as well as their peers. Many of these issues are particularly salient in the less-than-diverse state of Ohio. Not all of these reasons are attributed to schools/teachers, but some are. 51% of Latinos feel that schools are too quick to label their students as having behavior or learning problems. 47% feel that too many white teachers do not know how to deal with Latino kids due to cultural barriers. 47% feel that it is due to a lack of proficiency with English. 44% believe that schools with a majority of Latino students have fewer good teachers. Finally, 43% feel that principals and teachers have lower standards for Latino students due to racial stereotypes (National Survey of Latinos: Education 9). Many of the issues overlap. All are relevant and require being addressed if proficiency is to be attained by Latino students.

Other aspects of a Hispanic student's life affect their success – and are causal in the dropout question. In 2002 there were 39,894 dropouts in Ohio. There is a long way to go between losing almost 40,000 students in a year to losing 0 at 100% proficiency in 2014. Racial/ethnic differences exist in status dropout rates and in the changes of these rates over time. Every year between 1972 and 2001 the dropout rate was the highest among Hispanics and lowest among Caucasians. Between 1972 and 2001, whereas dropout rates not only decreased for Caucasian and African-American students, but narrowed; they stayed constant for the Hispanic population. These results occur regardless of socioeconomic status – wealthy Hispanics are more likely to be dropouts than wealthy Whites (National Center for Education Statistics).

Latino students are at risk not only because of their individual characteristics but also due to outlying characteristics such as family and community. Many Latino students live and go to school in high-risk settings which include more sources of risk than others. “For example, in 1995 Latino children 18 years old and younger were more than twice as likely as non-Hispanic white students (39% versus 16%) to live in poverty and young Latino children 3-5 years old were almost seven times as likely as non-Hispanic white students (27% versus 4%) to have parents who had not completed high school” (Gandara, et. al. 1).

Other issues affect not only Latino drop out, but also their success in schools. “Security issues such as drugs, violence and gang activity are cited most often by Latinos as the most important problems facing their community schools.” (National Survey of Latinos: Education 4). Security issues are cited as the most important problem in roughly the same amount that teachers, funding and the curriculum combined. While there is little that standardized testing can do to alleviate gang and drug problems facing today’s youth, it would be both naïve and ridiculous to assume that there are not other, environmental factors that are affecting success rates in proficiency in schools. Perhaps if students are not worried about violence they will be able to focus better on those tests.

Research has shown that both environmental and school-related factors have a strong influence on educational achievement. In 1993-94, Latino children were twice as likely as non-Hispanic white students to attend a high-poverty school, and research has pointed to the marked differences between the learning environments and resources of high-poverty and low-poverty schools. For example, teachers in high-poverty schools are more likely to report problems of student misbehavior, absenteeism, and lack of parental involvement than teachers in low-poverty

schools; teacher salaries and advanced training are also lower in high-poverty schools than in low-poverty schools" (Gandara, et. al. 11).

The constant emphasis and focus on the plight of the undocumented or immigrant Hispanic/Latino students, means that other students often are neglected are mistakenly attributed with the characteristics of undocumented immigrants. Both inside and outside the educational setting these students face an extreme amount of discrimination. Unfortunately they are often forced to face the stereotypes attributed to undocumented immigrants.

Despite comparable studies with other minorities, there are relatively few investigations as to parental and familial support and assistance when it comes to education for Latinos. Especially in low income and low-English proficiency areas, there is often little accountability between students and their parents. When parents are unable to assist with homework due to language barriers, or even assure that homework is being done, there seems to be little that they can do to enforce the importance of extra work for their children. Additionally, due to these same issues early involvement in education is not stressed. From the short qualitative studies that are available, it has been shown that there is a lack of books in the house, and a low level of involvement between parent and child in early learning activities. These studies are limited, yet incredibly helpful. Culturally education is valued – in listing policy issues education is the most important, followed by immigration, the economy, and healthcare (Ramos). Many of these people immigrate to the United States for educational opportunity for their children. This absence of family aid must be addressed.

3. Early Childhood Longitudinal Study

The U.S. Department of Education sponsored a study in the late 1990s that was called the Early Childhood Longitudinal Study (ECLS). This study attempted to measure the academic

success from K-5th grade of almost 20,000 students. The ECLS Program provides national data on children's status at birth and at various points thereafter; children's transitions to nonparental care, early education programs, and school; and children's experiences and growth through the twelfth grade. ECLS provides data to test hypotheses about the effects of a wide range of family, school, community and individual variables on children's development, early learning and early performance in school. It is through the latter purpose that the effects of family can really be seen in the educational success of a child. In Freakonomics, Steven Levitt and Stephen Dubner discuss the influence of early and parental influence on students, with a strong focus on minority and low-income students. They report: "According to the ECLS data, eight of the factors show a strong correlation – positive or negative – with test scores. [. . .] Here now are factors that are strongly correlated with test scores: The child has highly educated parents; the child's parents have high socioeconomic status; [. . .] the child's parents speak English in the home; [. . .] the child's parents are involved in the PTA; the child has many books in the house"(167). All of these factors are difficult for Hispanic/Latino parents to achieve for their children. With a majority of first or second generation immigrants, most of these factors are eliminated simply due to this status. Education is low, or at best proficient in another language. The 2000 Census for Ohio has this information in regards to language spoken at home:

Population 5 years and over	10,599,968	100.0
English only	9,951,475	93.9
Language other than English	648,493	6.1
Speak English less than 'very well	234,459	2.2
Spanish	213,147	2.0
Speak English less than "very well"	77,394	0.7 (U.S. Census Bureau).

Ohio is 38th in the country as far as populations that speak a language other than English. California has 42.3% of its population speaking another language. This number seems low, relatively. The interest in this data is twofold – while not large, there is a significant number of the population who does not speak English, and that a third of that population is Spanish-speaking. If one wonders why books are not found in the home – the language spoken in the home could be a strong causal factor.

The PTA factor is a particularly interesting one. PTA involvement follows the same lines of parental involvement and value placed upon education. Not only does it indicate that parents are more involved, but the importance they assign to education. Hispanic/Latino parents are unlikely to become involved in PTA for several reasons. At this point, the language barrier is an obvious problem. Despite evenings with ESL teachers, there currently are not comparable ESL PTA organizations or strong organizations within which these parents can become active participants. When it comes to newly immigrated families and parents, there is often a level of intimidation and fear when it comes to school administrations and events – ranging from PTA to even involvement in parent teacher conferences. Many studies focusing on this effort are difficult to achieve – these migrant parents are as afraid of researchers and providing information in this sense as they are within school and governmental contexts. Perhaps it would be easier to not leave the legal children of migrant workers behind if the society of fear is lessened. The ties between immigration and education here are huge.

4. New Foundations – The Celebrity Factor

Recent emphasis on this issue have forced it into the public light – the Bill and Melinda Gates Foundation are calling for increased educational reform and better equipping our students.

Oprah and Time Magazine teamed up in specials highlighting the social phenomenon we now face, dubbed Dropout Nation.

Dropout Nation addresses the conflicts of funding – how upper middle class white suburbs in Indiana can have 33% dropout rates with incredible high spending per student. It highlights students' responsibilities and motivations. Nationwide, three out of every 10 students who enter high school this year will not graduate in the typical four years. For African American students, the number is more than four in 10. For Hispanic students, it's nearly five in 10 (Bridgeland and Dilulio et. al).

This is also one of the major issues when one focuses on the Hispanic/Latino population – especially that of the migrant population. Often these students have little sense of available post-high school opportunities. The cost of higher education is daunting, and often the difference between having a high school diploma or not, is unclear at 16 years old.

In a recent study (March 2006) called: "The Silent Epidemic: Perspectives of High School Dropouts, " John Bridgeland, John DiLulio Jr., and Karen Morison examine just that – reasons that dropouts give for leaving high school. The number one answer is not academic challenges or personal sacrifices. The top answer is boredom. 47% of dropouts said that they were bored and disengaged from high school. Another 42% spent time with people who were not interested in school. Another question asked about motivation and inspiration to work. 69% of students said that they were not motivated to work hard. Just as many were confident that they could have graduated if they had tried. With responses like that, perhaps curriculum overhaul and teaching-to-the-test should not be the largest concern. Creativity and application need to be re-introduced to America's public education. Relevance and real-life training, inspiring and motivating teachers, and interest needs to be brought back to the classroom.

Responsibility needs to be handed to these students – give them credit for their own futures. Again, it is easy to say that this is needed, in fact, it practically begs the question as to how this should be enacted. Especially when examining the Hispanic/Latino population, how does one inspire that dream that is so essential to the nature of America. With low opportunity comes low motivation.

The responses of the dropouts have to be taken with a grain of salt. There is a definite degree of ego preservation, of an inherent desire for survey participants to give socially acceptable answers. It is much easier for students to claim that had they tried harder they could have done better. It is easier to claim lack of trying instead of inability. In fact, it is logical to assume that with more effort, many of these dropouts and other low achieving students would do better. The real question lies in the degree of success, and how to inspire that effort. Perhaps effort on behalf of the student will improve grades/passage rates slightly. It is up to the students whether or not they drop out. However, these responses should not encourage school districts or policy-makers to assume that the effort must lie solely on the shoulders of student participants. Rather, districts should look at these responses as an opportunity. If students claim that with more effort they can do better, it is a hopeful response. With provision of tools, and interesting materials, perhaps there are more gains that can be made in proficiency than seemed possible.

Once challenges are identified it becomes easier to identify solutions. Given that many other states have dealt with stronger numbers of this population for some time now, it is logical to look to them for examples of both successes and failures. It also helps to look at current state education policy. The following part of my thesis will begin by evaluating impediments to success. It will also propose recommendations for future actions and programs.

What Needs to Happen?

1. Impediments

1A. Current problems with HQT and AYP

Unfortunately current key players in educational policy are ignoring recent publications of the current issues that states are having in meeting the requirements of NCLB. Not to clear the states' roles completely in this, many sources argue that states are shirking their duties in meeting requirements – especially in the instance of obtaining and maintaining highly qualified teachers. In the 2005-2006 school year, not a single state passed the requirement of having highly qualified teachers in every core academic class. In addition, when one examines the equity aspect of the HQT element, most states failed to address all four aspects of teacher equity. Teacher equity is a provision of NCLB that aims to ensure that "poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out of field teachers" (Peske and Crawford). Ohio was one of three states that examined all four components of the four areas of inequality. However, the existence of an examination still does not equal meeting those requirements. Ohio and Nevada are exemplary in that they are the only 2 states that have also devised strategies to fix inequitable situations. "Ohio describes 68 specific strategies to balance the distribution of highly qualified and experienced teachers. Further, each of these strategies is supported by data and analysis conducted by the state and includes progress measures, public-reporting mechanisms and state monitoring plans" (Peske and Crawford). Think tanks such as Edtrust recommends that the U.S. Department of Education reject the majority of equity plans. Since plans are all the progress that has been accomplished, and even only a few states at that, one wonders why more explicit directions were not provided in the first place. They also argue that Title 1 and Title II funds should be conditional and only given to

states which meet the equity requirements on the clear timelines. Since every single state is currently failing at meeting the timeline, this seems counterproductive. With more restricted administrative funding, the ability to attract high quality teachers is hindered.

One deeply lamentable aspect of the current status of states' abilities to address NCLB requirements is the attitudes of key players – such as Education Secretary Margaret Spellings as to the administration's position of the law: "I talk about No Child Left Behind like Ivory soap: It's 99.9 percent pure or something. [. . .] There's not much needed in the way of change" (Spellings). While her bubbly position is positive, the House education committee is holding hearings on how to improve the law. More than 80 organizations have signed a statement urging changes in the law. Reg Weaver, the president of the National Education Association, the largest teachers union in the country claims that assertions like hers are ignoring reality (Spellings).

The Bush administration is arguing for some unconventional ways in addressing the problems with No Child Left Behind and its current outlook on success. In a speech at Woodridge Elementary and Middle School, a charter school in D.C., President Bush argued that the main problems which needed to be addressed were in testing and the publication of results – not in the results themselves. He spoke about the need to inform parents about the results of their schools in a more timely fashion. This is absolutely beneficial. No Child Left Behind does guarantee that children have the right to receive tutoring or assistance in transferring to a different school. The President proposed more federal assistance in sending 28,000 low income students to private schools, an initiative which would not help all struggling and low-income students, and would cost $100 million overall. Why not invest that $100 million (a drop in the proverbial bucket of the federal budget) into a public education system that would continually help more than a mere 28,000 students. If all the LEP students in Ohio in 2005 were helped, half

of the students helped by this proposal would be used up. This policy doesn't help all the at risk students in one state, let alone the country.

1B. False Successes

Current success stories often impede efforts to restructure NCLB. Often, especially in the early stages, these successes were a result of the too-good-to-be-true phenomenon. In several cases, the pressure for the appearance of progress circumvents a well rounded education or actual progress. While the very idea of testing is controversial, it is no secret that having to divert more resources to passing these tests means that non-core programs such as art, music, languages, and physical education are sacrificed. Some high schools are even eliminating electives for some students in favor of double periods of reading or math. While this itself is objectionable, it is not nearly as bad as cheating in order to boost progress or graduation rates. Such was the case in Houston.

Due to the nature of the Hispanic population trends in Ohio, it is logical that as a state we look to other states with more substantial Hispanic populations for guidance on how to best serve those children. Houston was one school district that had significant at risk students. In the 2001-2002 school year however, the district claimed to have had an approach to education which would be known as the Houston or the Texas Miracle – a school year where achievement rates soared and dropout rates plummeted. It was miraculous enough that then superintendent Rod Paige was appointed Secretary of Education by President Bush. It was so miraculous, that it was too good to be true. One assistant principal was skeptical of the results. With higher than average at-risk students it was extremely unlikely that, as was reported by his school, not a single student dropped out.

What was happening with dropouts was that different explanations were being made for the students who were leaving – for example, one who left to take care of her baby was credited with leaving to get her G.E.D. – plans of which she never informed the school. Other dropouts were credited with transfers or moving back to their native countries. The reported citywide dropout rate of 1.5% was more like 20-50%. (The Texas Miracle). Interesting that the championed example for the success of No Child Left Behind would be a fabrication.

What Ohio's policy makers need to take from the Houston Miracle is not simply a lesson about honest accountability, but to realize the level of risk that underprivileged immigrants have with dropouts and achievement. Whereas many at risk students meet one of the qualities that qualify as students as at risk, Hispanic students have a higher likelihood of possessing at least one, if not more. Factors that put high school students at-risk for dropping out of school include failing two or more core subjects, pregnant or parenting, placed in an alternative education program, previously expelled, homeless, on parole or probation, and identified as Limited English Proficiency. "While 60 percent of students in alternative schools statewide have one risk factor, more than 80 percent of AAMA's students have at least one risk factor." (AAMA Educational Programs) AAMA is the Association for the Advancement of Mexican-Americans. They have started several charter schools in Texas to address the left behind students from Texas Public schools. The bottom line however is that that is work that our schools ought to be doing themselves.

2. Recommendations

2A. Charter/Private Schools as an Alternative

Therefore, the argument has been made based on issues such as the deadline – that NCLB was not only intended, but built to fail. This would then force solutions such as charter schools

and private school vouchers that Republicans and current administration are championing. One wonders why pushing new weaker schools instead of fixing what we currently have is the best solution. This issue is currently being addressed with the proposal to divert $100 million dollars of public funds to select children in struggling public schools to attend private schools. Opponents to this argue: "Voucher programs rob public-school students of scarce resources," said Reg Weaver, president of the National Education Association, a teachers union. "No matter what politicians call them, vouchers threaten the basic right of every child to attend a quality public school." (Republicans Unveil 100 Million School Voucher Program).

One of the major concerns is what happens at the deadline. What happens when our students maintain dropouts; are unable to be fully proficient at these standardized tests? One argument is that this was in fact, the intent of No Child Left Behind – to fail. With a failed public education system, the push towards privatization is more strongly justified. With new speeches from the administration pushing charter and private school options, this theory seems less conspiratorial than it did at the beginning of NCLB. Charter schools are popping up all over the country. There are several success stories – the Ron Clark Academy, the KIPP Academy. In many cases however, charter schools face the same funding issues that public schools do. Privatization of education can mean any number of types of schools – as long as they are not operated by a public authority, but are controlled and managed by a private body or board of governors not selected by a public agency or elected by public vote (Privatization of Education: An Ongoing Debate 5). This is the definition used by UNESCO, OECD and the World Bank. Internationally this has wider implication than it does in the US. Domestically, it begs the question as to the inequalities inherent in a system such as this. The counterargument is the current situation in our educational system today. Arguably, the government has systemically failed to provide equal

and competitive education for students in the current system. It would not be illogical to argue that a change would be necessary.

On Wednesday October 25, 2006 the Ohio Supreme Court, in a close 4-3 decision ruled that publicly funded, privately operated charter schools are constitutional. This upheld the legislature's ability to create and to give money to common institutions of learning, even if they are not the same. Justice Judith Lanzinger wrote for the majority: "As the statewide body, the General Assembly has the legislative authority and latitude to set the standards and requirements for common schools, including different standards for community schools" (Public Funded Charter Schools) The minority argued that charter school legislation creates a situation in which "an assemblage of divergent and deregulated privately owned and managed community schools competes against public schools for public funds" (Public Funded Charter Schools). Minority advocates also argue that the court chose to promote the cause of charter schools in this case as opposed to determining the constitutionality of them. Charter schools, especially in Ohio, have been mismanaged sources of government spending and have had inconsistent success with standardized scores.

Privatization of education seems only to make inequalities greater. Theoretically speaking, putting something as basic a need as education into the hands of the private sector, non-profit, or even religious organizations has potentially terrifying consequences. Without enforced assistance and standards, what is to say that our education system will increase, or even remain in the competitive educational market in which we live. Americans are already struggling in competing internationally in fields of math, science and technology. We are already facing the developmental effects of this. Why would we jeopardize that by allowing more freedoms in the selection of curriculum? We already have a growing proliferation of non-

secular schools. In a growingly diverse nation, creating highly stratified schools does not prepare our youth for the future. It limits them. At the same time, one cannot necessarily discount this alternative based on an objection to the private sector. Clearly the government is having problems; who is to say that the private sector will do worse. It is inherent within the inequality of a private or charter school system that one sees successes as well as failures. While many charter schools face extreme problems in both standardized educations and testing, many charter schools are increasingly becoming the anecdotes of success in today's education. Perhaps this is a way to achieve a least-worst solution to the education system.

Currently charter schools are constitutional in Ohio. It does not make sense to ignore that factor as part of the solution. However, increased regulation of the charter schools would be beneficial. State-wide and NAEP tests do force these schools to be accountable. At the same time, there should be an additional penalty to charter schools that do not perform well, to discourage schools for profit.

2B. Bilingual Education

Bilingual education is a key part in the success of Latino students in Ohio. It is through early bilingual intervention into an LEP student's academic career that facilitates steps into English as a Second Language assistance, and into proficiency in English. Policy, funding, and additional programming need to be shaped with the understanding of language challenges. Currently the timeline for language proficiency or for English testing is too short. With a longer period of adjustment, long term success will be more easily reached.

2C. Early Childhood Education/Intervention

Another current suggested manner to address the problems in education is through early learning and intervention. However, with limited funding and resources, in addition to the

provision of adequate yearly progress, district administrators are forced to divert resources in an effort that resembles triage – save the ones that we can, the ones close to passing, and allow the others to flounder. This scarcely allows for extra funding for early intervention, let alone a strong effort in catching up those who have already missed out on intervention.

At the same time, the logic behind early and demanding educational intervention is sound. It also is likely to be the strongest way to address achievement gaps. The sooner someone is caught up to their appropriate level, the less opportunity cost they face. If a student is worried about reading, they will not learn much as they try to catch up in basic skills. Once they acquire those skills, acquisition of knowledge is easier. Lamentably, this often creates an opportunity cost that sacrifices art, music, physical education, or elective courses in favor of doubled time invested in reading and basic math programs. While this is damaging to a diverse foundation of a child's education, it is necessary for short-term progress.

2D. Standards

The Education Trust argues that the real problem facing these students today is low expectations (Haycock). Through interaction with students and adults, they found that many adults blame socioeconomics and parental involvement for poor student achievement. Alternatively, students argued that it was a boring curriculum, low expectations of potential and bad teachers that were the real problem. Kati Haycock, from the Educational Trust, continues the argument for harder curricula by citing National Assessment of Educational Progress results that show that students who complete the full college preparatory sequence perform higher than those who complete only one or two. While she does take into consideration that higher-scoring students are often assigned to tougher classes, she still argues that research shows a positive impact of more-rigorous coursework on even low-achieving students (Haycock). She uses

anecdotal evidence in citing the story of when the chancellor of New York City schools required all 9th graders to take the Regents math and science exams. Despite concerns of astronomical failure, the number of Latinos who passed that year tripled, and the number of African-Americans doubled.

Despite her use of anecdotal evidence, the argument is strong. Through high standards, a difficult curriculum, and extra qualified assistance, students could be inspired and capable of achieving more. "Ample evidence shows that almost all students can achieve at high levels if they are taught at high levels" (Haycock). Once again not citing this ample evidence, the argument is nonetheless both attractive and logical. This argument actually is supported by NCLB's emphasis on qualified teachers. These things matter more than tests.

A new and generally successful treatment of limitations and issues in achievement is simply a stronger focus at the beginning levels. Good, qualified, passionate teachers; high standards; strong curriculum; motivated students – these are all basic needs for improvement that are often not met through more or different legislation, but rather through clear and motivating incentives.

2E. Creative Solutions

Additionally, many schools are seeing success in creative solutions. From traditional, to theme-based, to student centered high schools; it is through challenging standardized systems that individualized success is met.

Traditional successful high schools are traditional in their sense of a generic curriculum. However, the focus on college or post graduate employment yields a more rigorous schedule. Theme-based schools such as science, technology or the arts streamline a child's interests. This is a strong weapon against apathy and drop outs due to disinterest. If we create interesting

environments, the building blocks of literacy and mathematics can be achieved through these new paths. Student-centered schools also work well for students at risk of dropping out. These schools create individualized plans for each child. This enables students to stay within graduation curriculum restraints, while still enabling them to tailor their interests. If engaging students is one of the most difficult steps, having a system that empowers them makes that step easier.

Many charter schools are using their freedom of direction with these concepts in successful ways. The delivery of material in engaging ways is also a creative step that engages students. This could be especially powerful with Latino students. There are schools in Los Angeles that teach in rhyme, song and rap. There are students who learn math through hip hop rhythms; phonic sounds through rhythm and music (Keyes). Even high school English teachers are using rap as literature and poetry in both an analytical and a comparative sense. Some call these attempts gimmicky, but the ability to teach classic core concepts through engaging methods is possible. The hook of interest is the first step, and disqualifying that option on the basis of concern for classicism is a backwards step. With LEP students, struggling with learning language, perhaps the ability of being able to transfer language through rhyme and rhythm would be more possible. Students often are brought up hearing the complex rhythms of reggaeton music (music which already blends Spanish and English) or salsa, cha-cha, meringue, mambo – songs with complex structures that could rival Shakespeare's iambic pentameter. Reggaeton is often their hip hop. With a large part of their culture based on rhythm and music, not utilizing this opportunity for crossover would be illogical.

2F. Follow the Example of Other States

The value of individual intervention, testing, and progress is one that is gradually being perceived by current political actors. Tennessee and North Carolina are being permitted, as federal education policy laboratories, to evaluate students' yearly progress on an individual basis, in a growth model system. This is in an attempt to address educator/district concerns about the inability of current accountability methods to show advances in individual and population based progress. About 10 other states applied for this experimental accountability system. In later years, if Tennessee and North Carolina are successful, and the program is expanded, the states that made the final cuts for this pilot project will be given preference. Ohio was not one of these states. If Ohio leadership claims to place education as a priority, then perhaps being involved in, or attempting to be involved in pilot programs like this would be beneficial.

Conclusion

This thesis examined the effect of No Child Left Behind on the Latino population of Ohio. It did this through first investigating the legislation itself, and then focusing on the Latino population in Ohio. After that I examined not only the challenges that faced this specific population in regards to NCLB, but also those that faced the implementation of reforms to the legislation. With the difficulties that the Latino population faces in Ohio, it is going to take a strong multifaceted approach to address the specific problems that this group faces in meeting requirements of NCLB. NCLB is theoretically a strong policy. Accountability, standards and testing are tools to achieve a more equal educational experience. With unconstitutional state funding of education on top of discrepancies of resource distribution, the question of who will pay for these programs becomes one of the most important ones to answer. Across the board,

funding for education needs to attract more attention. Politicians will have no incentive to focus on education until the voters demand it. It's a question of priorities – of a game of finite resources where education is losing. In order to win, someone else has to lose. As far as Ohio goes, we need to inspire more than just teachers. Our politicians need to fix the unconstitutional funding of education. The state needs to be more receptive to changes in policy that would permit changes in language programs and in alternative solutions. Currently, Ohio has "non-program specific laws for LEP students." Even states like Texas, which mandate bilingual education, only allow bilingual education insofar as fifth grade. The best first step would be to start funding these LEP programs.

Great barriers exist for Ohio in terms of success for its Latino students. Currently other populations of other at risk students are demanding more attention. The current system of accountability through tests and progress only allows resource-poor schools to deal with current problematic subgroups. They are unable to invest in preventing future complications, due to the level of attention required for current problems. While proposed auxiliary tools are described in legislation, budgetary limitations often make these impossible as realities. The bottom line is that these students are not relevant enough in this state yet to demand more attention. This is unsurprising – it is politically more powerful to address other students' needs. Ideally, educational policy can reach a stage where it embodies the spirit of the nomenclature of this legislation – truly, no child left behind. This message is beginning to be understood on a federal level. With the five-year re-write looming, legislators on both sides of the aisle are hoping to re-evaluate how this legislation addresses the needs for both special education students and recent immigrants. "The aim is to inject more common sense into the law while sticking with its promise to leave no child behind. 'I think for both of these groups of students, the law was not

well designed. It does not acknowledge that by definition these kids are not going to meet the same standards at the same pace as other students' said Michael Petrilli, [. . .] who helped oversee the first years of the program" (Testing Law).

I agree with Mr. Petrelli to a certain extent. We have to be careful to avoid allowing LEP or immigrant status to become a crutch, while still realizing that these students have significant obstacles to overcome. The implementation of this law is where I find the most fault. If we want an equal system of education, we need to finance it equally. We need to throw out the timeline, and focus on growth from all students. We need to inspire teachers to be advocates for high standards – to motivate their students. The bottom line is that we need to inspire people to be the teachers that we want by providing incentives through salaries and benefits. The government can propose all the policy that it wants, but without the teachers there to implement the policy, it is just words on a page. Through teachers, funding, and a larger national and state attention to these issues, real change can happen.

Perhaps it is oversimplification or idealism that leads me to believe that progress is so possible. The likelihood that national attention will shift sufficiently in the budget to this domestic policy is low, but possible given the political power shifts in the 2006 election. Governor Strickland has proposed reforms in education funding. With the struggle to attract new businesses, and the high levels of taxpayer fatigue, one wonders if Governor Strickland will use his political clout to convince both taxpayers and other elected officials to support this issue or save it for another.

Political support is not the only issue that complicates a simple interpretation of the effect of NCLB on LEP students. I am not sure that the basic spirit of NCLB is the right vision to pursue. As much as I'd like to believe that our schools could get to a point where all children

can become proficient, the reality is that there are some students who probably will fail regardless of a school's assistance. Perhaps the best we can do is to limit the achievement gap – not eliminate it. If hypothetically we were able to drastically decrease the discrepancy between majority and minority achievement, then having a standard of 100% proficiency would render this incredible achievement a failure. I am not sure that those are fair standards to impose upon our schools. How much can we really expect from our schools, if so many other variables influence the success of a student? Should we really punish schools by taking away funding for failing to meet national standards? I think that the question of fiscally punishing schools that fail to perform is a more complex one then it seems at first glance. Clearly, it is fiscally irresponsible to throw money at a school or district that is not performing well. At the same time, taking away resources from fledgling schools does not seem like the best answer either. I believe that the real solution to "punishing" schools is not to take away resources, nor give them more, but rather to use regulations to re-work the allocation of the funds that they have. With NCLB is in effect, each year we gain more examples of what works and what does not. The communication of those examples to state and national agencies will help provide ways for sub-par schools to improve. In order to find those examples, we have to continue the regulation of progress.

Progress should be the ultimate goal. Gains in achievement are better than stagnancy or losses. We have to have high yet reasonable expectations. It is from that perspective that I find claims about the intended failure of NCLB credible, if not entirely true. While some feel this is conspiratorial, the suggestion of private interests at the expense of public education is not so unbelievable. The most current education reform in Columbus is the establishment of a successful charter school – part of the KIPP program (as discussed earlier in the thesis). If the private sector in Columbus, as well as in 51 other cities, is willing to support a charter school like

this, it is logical to believe that more will follow. It is interesting that businesses or individuals would be willing to financially support charter schools, yet individuals are hesitant to pay more in taxes to support public schools. These groups clearly embody different sectors of society, but one wonders why resources have to be so dependent on who runs the school itself.

No Child Left Behind is a good start for reforming public education in Ohio and America. It is possible that we would make more long-term gains if we shifted to an ideology more reliant on individual improvement rather than a "proficient" status. We could call that legislation: All Children Moving Forward – that is a policy that I would support.

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